

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

**OCTOBER 2, 1997**

A Meeting of the Manistee City Planning Commission was held on Thursday, October 2, 1997 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Mike Fatke, Richard Franckowiak, Kristie Harless, John Lakos, John Serocki, Tony Slawinski

**MEMBERS ABSENT:** Duane Jones, Roger Yoder

**OTHERS PRESENT:** Jon Rose (Community Development Officer), Denise Mikula (City Staff), Jeff Mikula (Abonmarche) Ray Fortier (City Council), Lori Donnan (Administrative Assistant), David Weed, Jack Rengo, L.E. Sweebe (Mancino's), Ron Muszynski, Connie Rossman (News Advocate)

Meeting was opened at 7:03 by Vice-Chair K. Harless

### **PUBLIC HEARING:**

There was no public hearing on the Agenda.

### **SITE PLAN REVIEWS:**

#### **J.B. Publication**

J.B. Publication, Manistee News Advocate located at 75 Maple Street has requested a Site Plan Review. Plans are to remove a section of curb on Water Street to allow the construction of a loading dock located on the east side of their building, eliminating the need to double park. A site plan review has been done and all the requirements have been met except for approval from the Historic Overlay Review Committee.

MOTION by Lakos, seconded by Franckowiak that the site plan for J.B. Publication be approved pending approval from the Historic Overlay Review Committee. Motion passed unanimously.

#### **Ron Muszynski - Lot Split**

Ron Muszynski and his siblings have inherited property from their parent's two homes located at 712 & 714 High Street located on one parcel. Mr. Muszynski has a buyer for one of the homes and would like a lot split to divide the current parcel into two parcels with a house located on each. The necessary variances have been granted by the Zoning Board of Appeals on September 22, 1997.

MOTION by Slawinski, seconded by Serocki that granting the request for a lot split for 712 & 714 High Street be recommended to City Council. Motion passed unanimously.

### L.E. Sweebe - Mancino's

L.E. Sweebe owner of Mancino's has requested a site plan review for 34 Arthur Street the former Victorian Port City Bakery and Deli. Mr. Sweebe's plan is to build a 29' 4" x 4' 8" addition on the west side (back) of the building for office space and access to the basement. Also a 24' x 40' addition to the east side (front) of the building for a dining area. A site plan review has been done on the project and it meets zoning requirements. Questions were asked regarding access to the north parking area. Mr. Sweebe spoke of an easement from the north property owner that is in place.

MOTION by Serocki, seconded by Lakos that the site plan for Mancino's be approved. Motion passed unanimously.

MOTION by Fatke, seconded by Franckowiak to amend the Agenda adding request for a site plan review from David Weed and a lot split and combination request from Jack Rengo. Motion passed unanimously.

### David Weed

Mr. Weed would like to build a 50' x 40' addition on to the existing building located at 720 Englemann Street. The current building is 100' x 40' in size. This would be the last increase in building size Mr. Weed would be allowed to construct due to zoning restrictions on non-conforming uses.

MOTION by Fatke, seconded by Lakos that the site plan for David Weed be approved. Motion passed unanimously.

### Jack Rengo Lot Split & Combination

Mr. Rengo owns a house located at 210 Fifth Avenue (51-51-270-714-06). A survey of the property has revealed an encroachment problem. Part of the house sits on property owned by Manistee Area Public Schools (51-51-270-715-00) and property owned by Barbara Cone (51-51-270-714-14). Mr. Rengo is requesting a lot split and combination as shown on the attached survey. Jon Rose stated that variances would need to be obtained from the Zoning Board of Appeals.

MOTION by Serocki, seconded by Fatke that the lot split and combination for Jack Rengo be recommended for approval by the to City Council contingent upon a variance from the Zoning Board of Appeals. Motion passed unanimously.

### CITIZEN QUESTIONS AND CONCERNS:

No questions or concerns were expressed by the citizens in attendance.

### MINUTES:

MOTION by Lakos, supported by Slawinski, that minutes of the September 4, 1997 meeting be approved. Motion approved unanimously.

## **UNFINISHED BUSINESS:**

### **C-1 Commercial, Access Road**

In response to a memo from City Manager, R. Ben Bifoss the Planning Commission reviewed the regulations and standards in the C-1 Commercial District regarding access drives. Discussion was held at the September meeting and Jon Rose was to work on language to address access drives in the C-1 Commercial District. Review of the proposed language was given by Jon Rose.

After discussion Motion by Serocki, seconded by Fatke that the changes to access drives as detailed on the attached copy of C-1 Commercial District be recommended. Motion passed unanimously.

### **City Update**

Jeff Mikula reported that Main Street resurfacing is almost complete. Construction on 16<sup>th</sup> and State Street is under way. The Tenth Street Sewer Separation project has encountered some problems with boring under the Highway.

Jon Rose reported that they will begin working on sidewalk replacement soon. Man-Made Lake will be on the November ballot for protection by the voters. Art Anderson and Ray Fortier have not reapplied as of this date for their positions on City Council. Priority meeting of the D.D.A. discussed business recruiting and street scape. Tim Wright was promoted to Sergeant. Director of Public Safety, Bob Hornkohl will be retiring February 27, 1998. Paving has begun from extra money received from MDOT. Another "final" inspection was conducted on the Riverwalk, still problems with the paint on the railings. A representative from the Jobs Commission was here on Wednesday, discussed infrastructure for Renaissance Park. Mr. Rose introduced the new reporter Connie Rossman who will be working covering the Planning Commission for the News Advocate.

Lori Donnan reported on the P.E.G. Commission. Sunset Production has resigned as the operator of T.V.2. Will interview operator candidates on October 8, 1997. New election of officers; Kathy Fenstermacher - Chair, Tom Kaminski - Vice Chair, Mike Bajtka - Secretary.

## **REPORTS:**

### **D.D.A.:**

John Lakos gave a report on the October 1, 1997 D.D.A. Meeting. No Quorum so it was not an official meeting. Discussion was held on Recruiting Committee and Vendors on River Street during special events. A survey group will be hired regarding second floor apartments, parking problems and tenants with children in the Business District. Concerns over riverbank erosion by the Riverwalk. A report was given on Fire Prevention plans.

### **Zoning Board of Appeals**

The Zoning Board of Appeals met on Monday, September 22<sup>nd</sup> to hear a request from Ron Muszynski and Dennis & Linda Dunlap. Mr. Muszynski was granted a variance to the side-yard set-back and parcel size for the two homes located at 712 & 714 High Street. Dennis & Linda Dunlap were granted a variance to the height limitation and waterfront set-back for the proposed condominium project at 45 Arthur Street.

### Historic Overlay Review Committee

The Historic Overlay Review Committee met on September 9, 1997 to review the Briny Inn. Approval was given for windows, doors and signage. Steve Harold approved colors for Sharinna's and Scottville Variety.

### Joint City Review/Ordinance Committee

No meeting.

### WORKSESSION:


Discussion was held on when to begin monthly work sessions. Will discuss at the November meeting.

### ADJOURNMENT:

There being no further business, MOTION by Franckowiak, supported by Serocki that the meeting be adjourned. Motion passed unanimously.

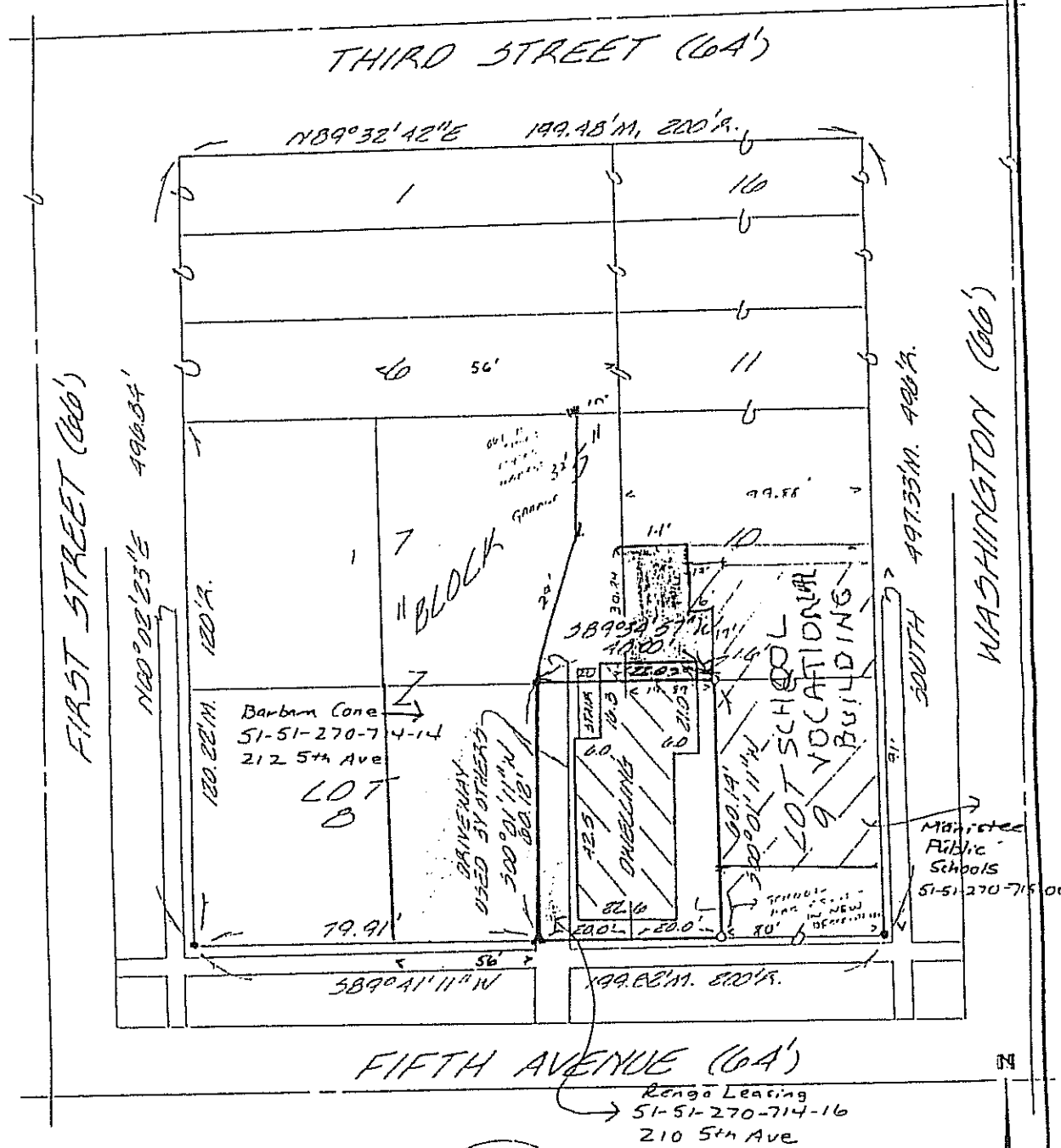
The meeting adjourned at 7:55 p.m.

MANISTEE PLANNING COMMISSION

  
Denise J. Mikula, Acting as Secretary

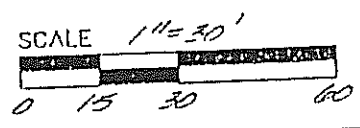
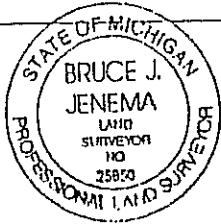
# CERTIFICATE OF SURVEY

DESCRIPTION: The East 20 ft. of Lot 8 and the West 20 ft. of Lot 9, Block 5, Ramsdell & Benedict's North Addition to the City of Manistec, Manistee County, Michigan.



## LEGEND

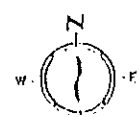
- IRON FND.      ○ MONUMENT FND.
- IRON SET      (E) MONUMENT SET
- ▲ P.K. FND.      (R) RECORD
- △ P.K. SET      (M) MEASURED



I, the undersigned, being a Registered Land Surveyor, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of the unadjusted field observations is noted, and within limits and that I have fully complied with the regulations of Act 132, P.A. 1970 as amended.  
The basis for bearings is:

Error of Closure is 1'

Bruce J. Jenema R.L.S. No. 25850



**Jenema Land Surveys**  
50 Clay Street  
Manistec, MI 49660  
616-723-7930  
616-723-5761

For: <u>DAVE VAVRA</u>	
State Savings Bank	
DATE: <u>6-9-1997</u>	SHEET: <u>1 OF 1</u>
PLT: <u>16.01</u>	FILE NO. <u>97313</u>

ORDINANCE 97-\_\_\_\_\_

AN ORDINANCE TO AMEND IN PART AN  
ORDINANCE ENTITLED "MANISTEE CITY ZONING  
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,  
TO DELETE THE ACCESS DRIVE LANGUAGE IN THE C-1 COMMERCIAL  
ZONING DISTRICT  
TO ADD CURB CUT LIMITATIONS TO THE C-1 COMMERCIAL DISTRICT

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THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

Section 1. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee Code of Ordinance) is hereby amended to delete access drive from section 5001 as follows, to wit:

It is the intent of this District to provide for commercial areas along highway U.S.-31 in certain parts of the *City*, while at the same time requiring certain physical, ~~access drive~~, curb cut, pedestrian, parking, loading/unloading area, landscaping, *sign*, and architectural regulations and standards; to mitigate the negative impacts of lineal development along highway U.S.-31; commercial development next to residential districts; because these elements are essential for quality *use* of land and for economic development efforts, and to be consistent with the provisions of Manistee *City* Master Plan. Further, it is the intent of this district to recognize residential areas along U.S.-31 will convert to commercial; but that transition should take place incrementally by gradual extension, or expansion, of this district along U.S.-31 upon consideration of an application for zoning amendment on a case by case basis so if it is desirable, commercial development does not occur along U.S.-31 in a location where neighboring land uses on the sides are residential.

Section 2. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee Code of Ordinance) is hereby amended to change section 5004. Regulations and Standards as follows, to wit:

The following regulations shall apply to permitted uses and special uses in this District.

- A. Parcel Area - No *building* or *structure*, except *apartment buildings*, shall be established on any *parcel* less than twenty thousand (20,000) square feet. No *apartment building* shall be established on any *parcel* less than six hundred (600) square feet per each living unit.
- B. Parcel Width - The minimum *parcel width* shall be one hundred twenty (120) feet and it shall front on highway U.S.-31.
- C. *Yard* and Setback Requirements

1. The following requirements shall apply to every *parcel, building or structure*.
    - a. The *Rear Yard*, at the opposite side of the lot from highway U.S.-31: The minimum *setback* shall not be less than twenty (20) feet.
    - b. The *Front Yard*, contiguous to the highway U.S.-31 *right-of-way*: The minimum *setback* shall not be less than thirty (30) feet from front *property line*, or sixty three (63) feet from centerline of highway U.S.-31, whichever is greater.
    - c. All other (side) yards: The minimum *setback* shall not be less than ten (10) feet;
  2. When a proposed *commercial establishment use* is contiguous to a *dwelling* or *duplex*, a *buffer area* measured from the *parcel* boundary on which the *dwelling* or *duplex* is located shall be maintained which includes one of the following, at the *Commission's* consent:
    - a. fifty (50) feet from the *parcel* boundary on which the *dwelling* or *duplex* is located, or
    - b. a berm four (4) feet or more high, or
    - c. a solid wall four (4) feet or more high.
    - d. a proportionate combination of the above.
- D. In addition to Site Plan requirements in Section 9401 of this Ordinance, a site plan in this District for a commercial enterprise along highway U.S.-31 shall also show and/or comply with the following:
- ~~1. An access drive running parallel to and along highway U.S.-31 on which the commercial enterprise has frontage. The design of the access drive shall meet the following standards:~~
    - ~~a. No parking areas shall be located between highway U.S.-31 and access drive;~~
    - ~~b. The access drive shall be;~~
      - ~~(1) adjacent to highway U.S.-31 *right-of-way* and shall be at least twenty-four (24) feet wide, or~~
      - ~~(2) if the entire side of the block fronting on U.S.-31 (all U.S.-31 frontage between two side streets) is proposed for development under one site plan, then the access drive and its *easement* may be located anywhere on the parcel(s) so long as it continues to serve as access between *commercial establishments* and the respective side streets.~~

~~The access drive shall be in an *easement* which will permit the use of the access drive for traffic circulation from one property to another. The *easement* shall be in recordable form, acceptable to the City;~~

- ~~c. The access drive shall be equal or greater, in length, as the *width* of the *parcel* and built to the side *parcel* lines and designed to be attached to an existing or future access drive on adjacent parcels;~~
  - ~~d. The access drive shall be paved, twenty-four (24) feet, or more, wide. Each property owner shall be responsible for the maintenance of the access drive and its *easement* so it remains usable as a means of getting from one (1) property to another; and~~
  - ~~e. The pavement of the access drive shall be located at least thirty (30) feet from the *right-of-way* line of highway U.S.-31.~~
  - ~~f. The access drive shall extend to a road which is perpendicular to highway U.S.-31. The access drive shall intersect at seventy (70) feet, or more, from the intersection of the road and highway U.S.-31. The access drive shall travel at a right angle to the intersecting road for a minimum of twenty (20) feet.~~
12. ~~There shall not be any driveways between the access drive and highway U.S.-31, and shall not be any curb cuts onto highway U.S.-31. Existing drives and alleys curb cuts onto U.S. 31 shall be removed and new access must be from a cross street or alley unless an exception is granted by the Planning Commission.~~
23. Parking shall comply with Section 1054 of this Ordinance and, in addition, shall meet the following standards:
- ~~a. Parking shall be located between the access drive and *commercial establishment* or in the side or *rear yard* of the *commercial establishment*. not be allowed within the *front yard* setback~~
  - ~~b. Backing from parking spaces onto the access drive shall not be permitted, except on a temporary basis. No permanent *structures*, including, for example, but not limited to curbs placed perpendicular to the line of travel of the access drive shall be permitted within the access drive area.~~
  - ~~c. The *Commission* may permit parking in the access drive *easement* area on a temporary basis provided the layout is such the parking can be removed at a later date when the access drive is needed for access to adjacent properties.~~



~~For temporary basis parking, the Commission may allow temporary features such as wheel stops. Any parking spaces in an access drive easement area shall not be counted for purposes of meeting minimum number of parking spaces required by this Ordinance.~~

34. Loading and solid waste storage areas shall be located in the side or rear of the *commercial establishment*.

- a. Solid waste container(s) shall be screened from all four (4) sides with an opaque *fence* or wall with a gate(s) at least as high as the tallest solid waste container. The *fence*, wall, and/or gate shall be constructed of material which is compatible with the architectural materials used in the site.
- b. The location of the solid waste container(s) shall be adjacent to a *building*, unless specifically waived by the *Commission*.
- c. Loading/unloading docks and areas (including solid waste containers) shall be situated so that trucks loading and unloading do not park in parking lot areas;  
~~, or on the access drive.~~

45. *Yard*, median, and all grounds areas shall be maintained and shall meet the following standards:

- a. The ~~*front yard* setback~~ area ~~between the access drive surface and highway U.S.-31 surface:~~
  - (1) shall be a landscaped lawn and shrub area. The *Commission* may require manicured lawn covered berm, *fences*, walls, and other screening and the same shall be provided and maintained as a condition of the establishment and continued maintenance of any *use* to which they are appurtenant.
  - (2) ~~The area between the access drive and commercial establishment shall provide walkways for pedestrian movement which are separated from roads, access drives, parking areas. The City may require walkways for pedestrian and non-motorized vehicles between the highway U.S.-31 and access drive.~~
- b. All utilities (electric, gas, water, sewer, cable television, and other similar services) shall be located underground. This requirement applies to service to individual *commercial establishments* and to any utilities necessary to travel between the rear wall of the principle *commercial establishment*

*building* and the centerline of highway U.S.-31. All utility pad fixtures, meters, shall be shown on the site plan and integrated with the architectural elements of the site plan.

- c. All exterior lights shall be arranged and installed so the direct illumination is shielded from direct view at, or further from, the *parcel* line of any adjoining non-commercial establishment *parcel*.
- d. All ~~access drives~~, service drives, driveways, parking areas, sidewalks, shall be paved with concrete, bituminous asphalt or other similar material.
- e. Landscaping of the *yard* and grounds area of the *parcel* shall meet the following standards:
  - (1) All open *yard* and grounds areas in front and on the sides and the rear 20 feet (closest to the *building*) of the *parcel* shall be maintained as:
    - (a) manicured lawn, and/or
    - (b) formal garden.
  - (2) The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition and free from refuse and debris, except for continuous watering during periods of water shortage or drought.
  - (3) The site plan shall show *use* of trees, bushes, shrubs, on each side, front and *rear yard*, either by preserving such plants which exist prior to development or by planting them upon completing construction.
- f. *Signs* shall comply with the following standards:
  - (1) *Signs* to identify the business, sales, or special events shall only be located on one (1) front facade of the principal *commercial establishment building*.
  - (2) At each ~~access drive~~ entrance one (1) group *sign* may be placed to identify the *commercial establishment(s)* located close to that entrance and their respective address number. Any one (1) *commercial establishment* shall be limited to being included on not more than two (2) group *signs*. The order of the placement of *commercial establishments* on the group *sign*, from top to bottom, shall be in the same order as the respective *commercial establishment's* address number.

56. All *buildings*, *fences*, walls, gates, shall meet the following architectural standards:
- a. No *building* exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same *building*. Nothing in this section shall prevent using different *building* exteriors which would be acceptable as representative of good architectural design and does not involve *use* of inferior materials on sides which face adjoining property and thus might adversely impact existing or future development.
  - b. The *building* shall be constructed and finished in such a manner that its color and appearance will be aesthetically complimentary to the other *buildings* in the area. It shall be subject to prior site plan and construction approval by the Planning Commission.
  - c. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the *building*.
  - d. For all *commercial establishments*, servicing or processing shall be conducted within completely enclosed *buildings*, except for off-road parking, loading, unloading, and open air uses which are specifically approved by the *Commission*.
- E. In addition to any requirements of Manistee *City* Subdivision Ordinance, a division of a *parcel* of land, in or outside of an existing subdivision, which results in one or more parcels which do not have public highway U.S.-31 frontage as required in Section 5004.B, shall be required to have an approved access to a public highway U.S.-31 prior to the division of the *parcel* or issuing a zoning permit.

\_\_\_\_\_  
Lorraine G. Conway, Mayor

\_\_\_\_\_  
Dated

ATTEST:

\_\_\_\_\_  
Kenneth J. Oleniczak  
City Clerk/Treasurer

\_\_\_\_\_  
Dated

